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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE:
DARCY RHAE JAIMEZ

Debtor

CASE NO: 08-25536

Chapter 13 FILED ELECTRONICALLY

JUDGE R. KIMBALL MOSIER

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO SUBMIT 2008 TAX REFUNDS

KEVIN R. ANDERSON, Standing Chapter 13 Trustee in the above-captioned case, hereby moves this Court for the entry of an Order dismissing this case due to the Debtors' failure to timely submit the 2008 tax refunds in the amount of \$1,078.00 to the Trustee, as required by the confirmation order. In support thereof, the Trustee represents as follows:

1. Pursuant to the Confirmation Order, the Debtor is required by June 30th of each year to pay into the plan any amount of the combined state and federal tax refunds received in this year that exceeds \$1,000.00.
2. As of the date of this motion, the Debtor failed to comply with this requirement.
3. The Trustee may withdraw this Motion if he receives the required tax refunds by February 04, 2010.
4. Failure to file a written response with the Court by February 04, 2010, and to serve a copy of the response upon the Chapter 13 Trustee, will result in the administrative dismissal of this case without further notice or hearing. Failure to hold a hearing within forty (40) days of the filing of the written response will also result in the administrative dismissal of this case without further notice or hearing.

5. Sufficient notice of the resulting Order of Dismissal will be provided to all parties-in-interest pursuant to Fed.R.Bankr.P. 2002(f).

WHEREFORE, the Trustee requests the dismissal of this case under 11 U.S.C. § 1307. Subject to a prior court order that any dismissal of this case will be with prejudice under 11 U.S.C. section 109(g), the dismissal may be without prejudice.

DATED: 01/11/2010

KRA /S/
KEVIN R. ANDERSON
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF Notification or by U.S. Mail to the following parties on January 11, 2010:

DARCY RHAJE JAIMEZ
1518 WEST 140 NORTH, PLEASANT GROVE, UT 84602

ROBERT S. PAYNE, ECF NOTIFICATION

/s/

Office of Chapter 13 Trustee